

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

---

Patent Application of:  
Kazutaka NAKAMOTO et al.

Application No.: 10/573,890

Confirmation No.: 9930

Filed: March 29, 2006

Art Unit: 1625

For: NOVEL ANTIFUNGAL AGENT  
CONTAINING HETEROCYCLIC  
COMPOUND

---

Examiner: Patricia L. Morris

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION

The patents, publications, or other information submitted for consideration by the Office are listed on the attached PTO/SB/08.

II. COPIES

☒ a. **Copies of foreign patent documents, non-patent literature and other information.**

☐ b. REFERENCES PREVIOUSLY CITED OR SUBMITTED: Copies of any information not provided can be found in one or more of the following applications which has been relied upon for an earlier filing date under 35 U.S.C. § 120:

U.S. Application No. and U.S. Filing Date

III. CONCISE EXPLANATION OF THE RELEVANCE/OTHER INFORMATION

☐ a. NON-ENGLISH LANGUAGE DOCUMENTS: A concise explanation of the relevance of all non-English language patents, publications, or other information listed is as follows:

☒ b. **ENGLISH LANGUAGE SEARCH REPORT OR FOREIGN PATENT OFFICE COMMUNICATION: An English language version of the search report or Foreign Patent Office communication that indicates the degree of relevance is attached.**

☒ c. **OTHER: The following additional information is provided.**  
**WO 1999/024404-A1 and US 2002/011495-A1, which are cited in the European Search Report, but which are not submitted herewith, were previously submitted in Information Disclosure Statements filed September 22, 2008, and March 27, 2008, respectively.**

IV. STATEMENT UNDER 37 C.F.R. § 1.97(e)

The undersigned hereby states that:

☒ a. **Each item of information contained in the IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than 30 days prior to the filing of this IDS. This statement does not relate to English language counterparts not listed in a communication from the foreign patent office. Such English language counterparts are provided to aid the Examiner's consideration of non-English items first cited in the communication from the foreign patent office; or**

☐ b. Each item of information contained in the IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than **three months** prior to the filing of this IDS. This statement does not relate to English language counterparts not listed in a communication from the foreign patent office. Such English language counterparts are provided to aid the Examiner's consideration of non-English items first cited in the communication from the foreign patent office; or

☐ c. No item of information contained in the IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the IDS.

☐ d. Some of the items of information in the IDS were cited in a communication from a foreign patent office. Such items were first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS. This statement does not relate to English language counterparts not listed in a communication from the foreign patent office. Such English language counterparts are provided to aid the Examiner's consideration of non-English items first cited in the communication from the foreign patent office. As to the remaining items of information, to the knowledge of the person signing the certification after making reasonable inquiry, such remaining items were not known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

V. FEES

☐ a. This Information Disclosure Statement is being filed concurrently with the filing of a new patent application or Request for Continued Examination. No fee is required.

☐ b. This Information Disclosure Statement is being filed within three months of the filing date of an application. No fee is required.

☐ c. This Information Disclosure Statement is being filed before the mailing date of a first Action on the merits. No fee is required. If a first Office Action on the merits has issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the statement under 37 C.F.R. § 1.97(e) above. If no statement has been made, charge our deposit account for the required fee.

☐ d. This Information Disclosure Statement is being filed before the mailing date of a Final Office Action or before the mailing date of a Notice of Allowance (see 37 C.F.R. § 1.97(c)(1)).

☐ No statement. The fee as required by 37 C.F.R. § 1.17(p) is provided.  
or

☐ See the above statement. No fee is required.

☒ e. **This Information Disclosure Statement is being filed after the mailing date of a Final Office Action or after the mailing date of a Notice of Allowance (see 37 C.F.R. § 1.97(d)), see the statement above. The fee as required by 37 C.F.R. § 1.17(p) is provided.**

VI. PAYMENT OF FEES

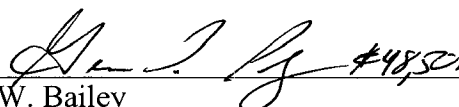
☒ **The required fee is listed on the attached Fee Transmittal.**

☐ No fee is required.

If the Examiner has any questions concerning this IDS, please contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the USPTO is requested to consider this IDS under the proper rule and charge the appropriate fee to Deposit Account No. 02-2448.

Dated: **AUG 18 2010**

Respectfully submitted,

By  #48,501  
4 John W. Bailey  
Registration No.: 32881  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Road, Suite 100 East  
P.O. Box 747  
Falls Church, VA 22040-0747  
703-205-8000

Attachment(s):

- ☒ **PTO/SB/08**
- ☒ **Document(s)**
- ☐ Foreign Patent Office Communication
- ☒ **Foreign Search Report**
- ☒ **Fee**
- ☐ Other: